IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.33303 of 1997

Dated: 27-02-2007

Between:

Ch. Satya Ramayyamma, w/o late Ramakrishna,
aged about 43 years,
r/o Payakaraopet,
Visakhapatnam District.

... Petitioner

and

1. The Special Commissioner, Land Revenue,
   Andhra Pradesh, Nampally Station Road,
   Hyderabad and 5 others.

... Respondents

ORDER:

Questioning the proceedings No.BCW/5/899/92, dated 17-09-1996 of the first respondent, the present writ petition has been filed seeking to quash the observations made therein insofar as it went against the petitioner i.e. to cancel the patta granted in favour of her unless she pays full market value, and in case she is reluctant to pay the market value in full, she may be summarily evicted and the property be resumed to the Government.

2. It is the case of petitioner that she was granted house site patta on 10-04-1987 by fourth respondent – Mandal Revenue Officer, Payakaraopet, in respect of a vacant pit, adjacent to plot No.37 in S.No.32/1A/C2 of Payakaraopet village and physical possession of the same was also handed over to her. She got constructed a tiled house by raising loans, after obtaining necessary permission from the Gram Panchayat. When the sixth respondent tried to interfere with her possession over the said property, she filed O.S.No.295 of 1989 before the Court of the Principal District Munsif, Yelamanchili for injunction and after due enquiry, the Court granted injunction in her favour. In the meanwhile, the sixth respondent filed appeal against the orders in regard to grant of house site patta in her favour, before the Joint Collector, Visakhapatnam. The Joint Collector, after hearing the arguments of the sixth respondent and upon perusing the material on record, rejected his plea vide order, dated 14-12-1991. Aggrieved by the said order, the sixth respondent filed revision before the first respondent, and the first respondent after hearing both sides and upon perusing the records, while dismissing the revision on 17-09-1996, in his file No.BCW/5/899/92, directed the second respondent to cancel the patta granted in favour of the petitioner, unless she pays the full market value as per the existing rules and further directed that if the petitioner is reluctant to pay the market value in full, she may be summarily evicted and the property be resumed to Government. Assailing the said order the present writ petition has been filed.

3. Heard learned counsel for the parties.

4. *Prima facie*, this Court is of the view that the original authority i.e. the Mandal Revenue Officer, Payakaraopet, at the time of allotment of house site patta to the petitioner after being satisfied that she is a landless poor person, allotted the plot in question in favour of her. The

sixth respondent, who was not successful in obtaining a patta, made a frivolous complaint stating that the petitioner is not eligible for any allotment. In fact, the Joint Collector, Visakhapatnam as well as the Collector also affirmed the view taken by the Mandal Revenue Officer, Payakaraopet in regard to granting of patta in favour of the petitioner. In fact, there is absolutely nothing on record to establish that the petitioner is not a landless poor person. Hence, this Court is of the view that the first respondent – Special Commissioner grossly erred in directing the petitioner to pay the market value.

5. Accordingly, the writ petition is disposed of and the order, dated 17-09-1996 passed by the first respondent is set aside and the orders passed by the Joint Collector, Visakhapatnam and the Mandal Revenue Officer, Payakaraopet are hereby confirmed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.27-02-2007
GLV